

2011 TAR Cruise



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Fair Housing Treasured Generations



Welcome To A Course Creators Presentation



Our Mission

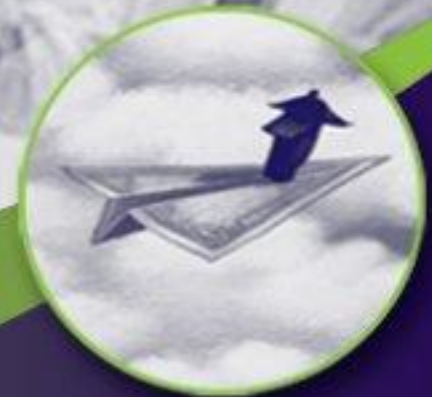
Is to make
certain that
our clients:



Get it!



Use it!



***Become
more successful
because of it!***

Introducing Our Co-Instructor PJ Dixon



“What We
Really Need to
Know”

Let's Talk

- So what do you know about PJ?
- What do you think he does for a living?
- What kind of home does he need to look for?
- What is going to be involved in helping him get home?

This is a Tale About Trying to Get Home



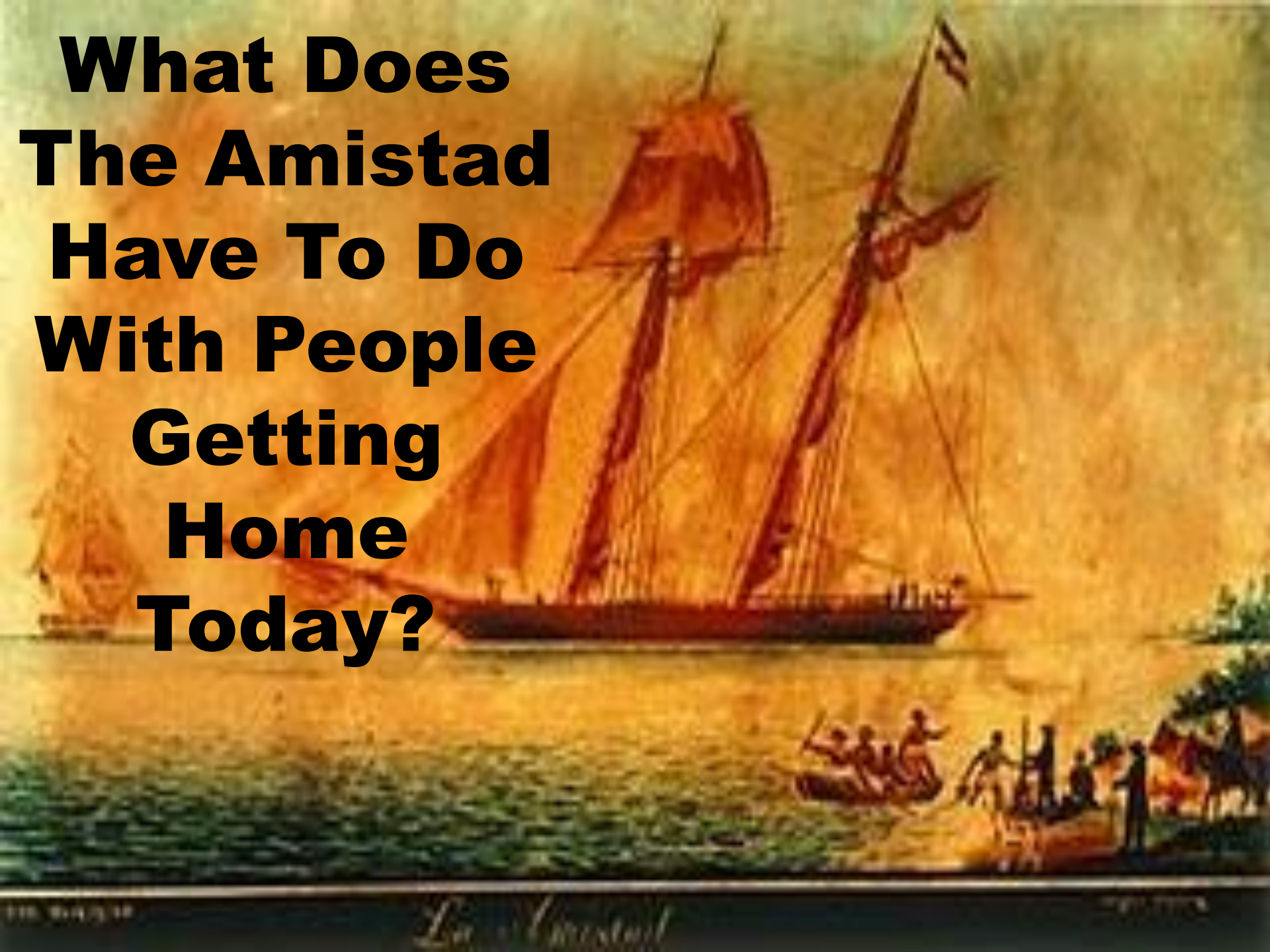
2011 TAR Cruise



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**What Does
The Amistad
Have To Do
With People
Getting
Home
Today?**



Let's Talk

- What's the biggest sacrifice you ever made to get home?
- What was the biggest obstacle or challenge you overcame?
- Why was owning a home so important to you?

Fair Housing in the Real World



GENERATIONS



Who Are These Protected People?



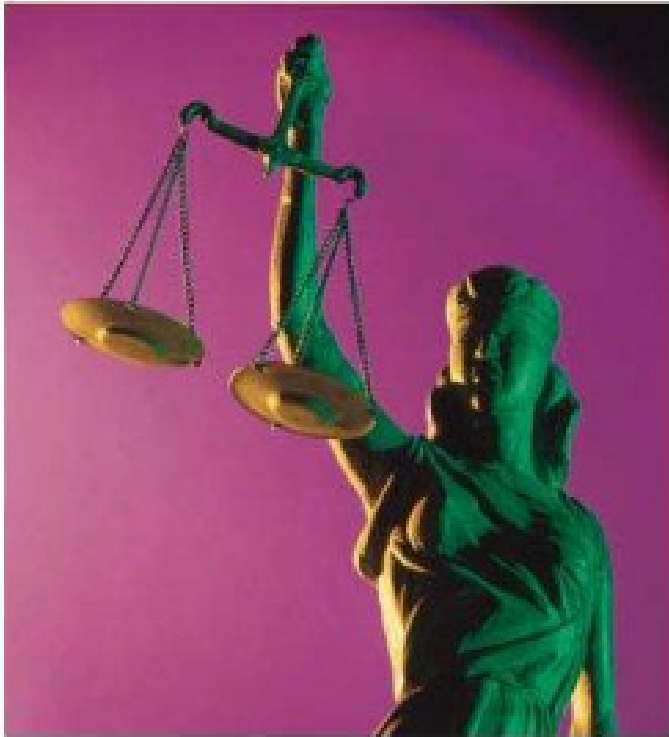
Let's Talk

- So what do you think these protected people expect from us?
- What do you think are PJ's expectations?

**But...this is pretty unique
and that was
then....Right?**



Flagrant Violations of the Fair Housing Act in Recent Lawsuit brought by the DOJ



Here is another example of a recent Fair Housing Act lawsuit brought by the United States Department of Justice ("DOJ"). I try to post case summaries in order to provide timely updates to real estate professionals about the "dos and don'ts" under the Fair Housing Act, since fair housing is such an important issue.

Last Friday (October 16, 2009), the DOJ filed a lawsuit against TK Properties L.L.C., its owner, and two employees (property managers), for violating the Fair Housing Act by discriminating on the basis of race. The lawsuit alleged that the defendants violated the Fair Housing Act by harassing and making discriminatory statements to an African-American family residing at Lakeport Village Apartments (located in Sioux Falls, South Dakota). In addition, the lawsuit alleged that the defendants intimidated white tenants who came to the family's defense.

Lakeport Village Apartments is a 48-unit apartment complex that is comprised of three buildings, each with 16 units. The complex is home to many families with children. On December 1, 2008, TK

Properties hired Ann Wagner (hereinafter "Manager Wagner") and Corey Anderson (hereinafter "Manager Anderson") as on-site property managers.

On January 5, 2009, Michelle Chevalier, a white tenant at Lakeport Village, complained to Manager Wagner about noise coming from an apartment being rented by Charlotte and Untoma Gadsden (who lived there with their three minor children and one adult child). The Gadsdens are African-American. Tenant Chevalier and Manager Wagner went upstairs to speak to the Gadsdens. Charlotte Gadsden explained to Manager Wagner that her husband Untoma had just returned from the hospital and that the noise had been the result of his dialysis machine falling to the floor. Manager Wagner nevertheless yelled, "That's it, you're done, you're out of here, I've had enough," or words to that effect.

A 42-MPG¹-HWY,
6-SPEAKER MOBILE DEVICE.

1 EPA estimate.



NEWS

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Ralston

Today's Paper

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Recommend

Real estate brokerage, agent accused of Fair Housing Act violation

By **Steve Green (contact)**

Published Friday, March 12, 2010 | 10:44 a.m.

Updated Friday, March 12, 2010 | 12:24 p.m.

A Las Vegas real estate brokerage and an agent there have been sued by a federal agency, which alleges violations of the Fair Housing Act.

Attorneys for the U.S. Justice Department's Housing and Civil Enforcement Section and the Justice Department's Civil Rights Division filed suit in U.S. District Court in Las Vegas on Thursday against Realty One Group Inc. and agent Mario Mascarinas.

Also sued were Victor and Remi During, owners of a home that the government says Mascarinas had listed under an exclusive brokerage arrangement

Beyond the Sun

- [See the Fair Housing Act](#)

FHA Investigates Possible Violations of Fair Housing Act

 JULY 23, 2010  BRUCE REICHSTEIN  [NO COMMENTS](#)



Recent reports in the media suggest some lenders may be illegally discriminating against FHA loan applicants for being pregnant or having short-term disabilities.

The New York Times reports one example of such possible; reporter Tara Siegel Bernard writes one applicant's lender "...denied her loan after it learned she was on maternity leave. It said she was not "on the job" and assumed she was on short-term disability – a type of income that many lenders do not

include on a loan application because it's not considered long term."

As a result of incidents like these, the Department of Housing and Urban Development is investigating lenders and examining lending guidelines under programs such as Fannie Mae and Freddie Mac to see if the rules themselves are open to interpretation in such a way that violates the Fair Housing Act.

According to a HUD press release, "HUD's Federal Housing Administration (FHA) requires its approved lenders to review a borrower's income to determine whether they can reasonably be expected to continue paying their mortgage for the first three years of the loan."

But in the case of expectant mothers, the HUD press release says no FHA-insured lender may inquire about maternity leave as a part of carrying out "due diligence" to establish the credit-



For Immediate Release

May 26, 2010

Contact: Deidre Swesnik or Ben Clark
(202) 898-1661
dswesnik@nationalfairhousing.org
bclark@nationalfairhousing.org

Levels of Housing Discrimination Remain at Historic High in 2009

*National Fair Housing Alliance Calls on Federal Government to Improve Enforcement Efforts,
Broaden Law to Protect Public*

2010 Trends Report

- **30,213 Complaints filed in 2009**
- **Estimated 4 Million Violations Each Year**
- **Record number of convictions**
- **Record level of fines**
- **Private agency enforcement skyrocketing**

Enforcement of Fair Housing

- Private non-profit fair housing organizations have processed 186,308 (66%)
- Fair Housing Assistance Program (FHAP) agencies processed 69,358 complaints (25%)
- HUD processed 25,881 (9%) of the cases.

**All Any of These People
Really Wanted Was To Get
Home**



Let's Talk

- What have you heard about fair housing violations?
- Have you ever been the victim of discrimination?

The 1866 Civil Rights Act



The Legacy of Lincoln





The President Who Preserved the Union



SURRENDER OF GEN. LEE!

"The Year of Jubilee has come! Let all the People Rejoice!"

200 GUNS WILL BE FIRED

On the Campus Martius,
AT 3 O'CLOCK TO-DAY, APRIL 10,
To Celebrate the Victories of our Armies.

Every Man, Woman and Child is hereby ordered to be on hand prepared to Sing and Rejoice. The crowd are expected to join in singing Patriotic Songs.

ALL PLACES OF BUSINESS MUST BE CLOSED AT 2 O'CLOCK.

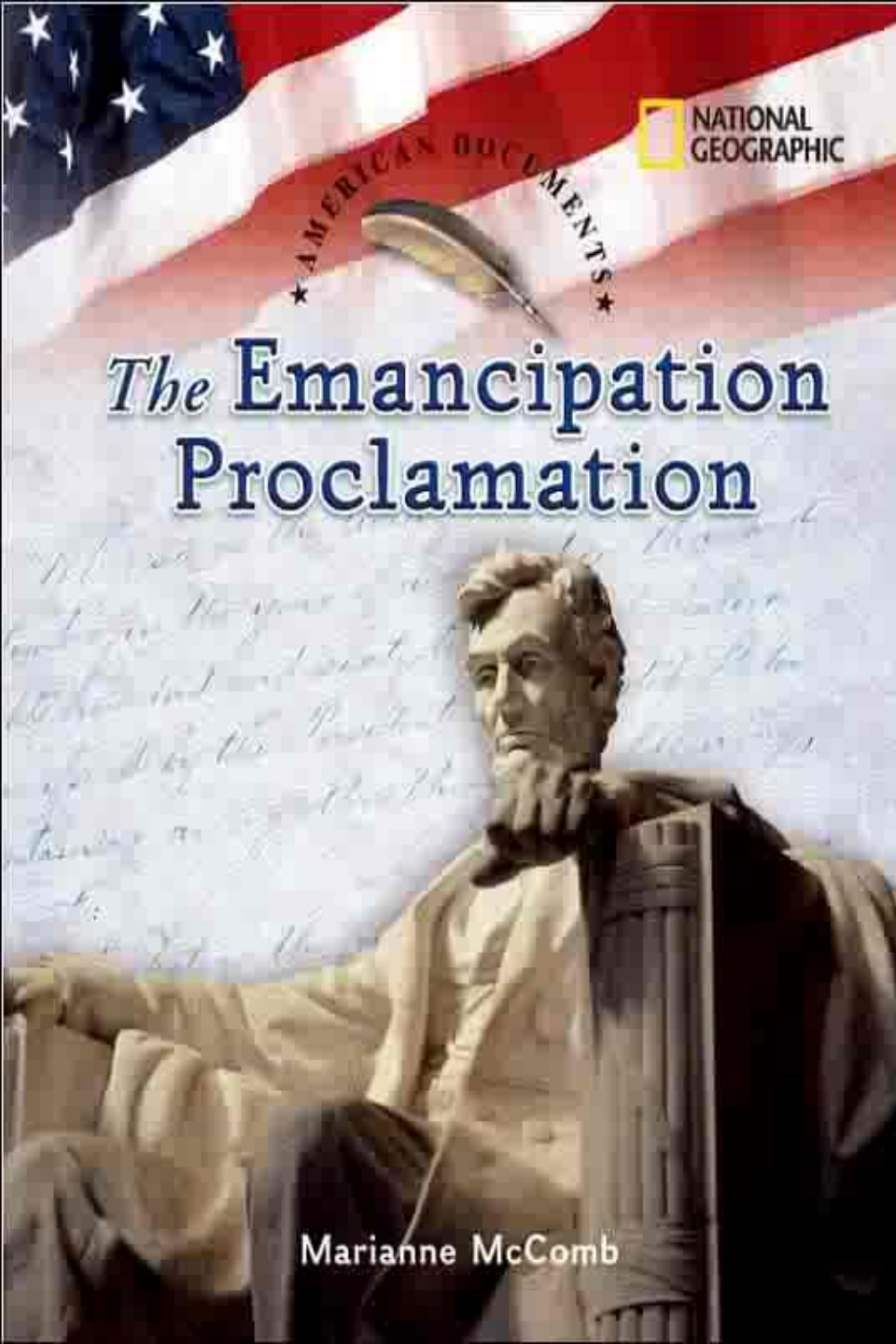
Hurrah for Grant and his noble

Picture History
by Walter of the People.



THE UNITED STATES OF AMERICA
IN GOD WE TRUST





NATIONAL
GEOGRAPHIC

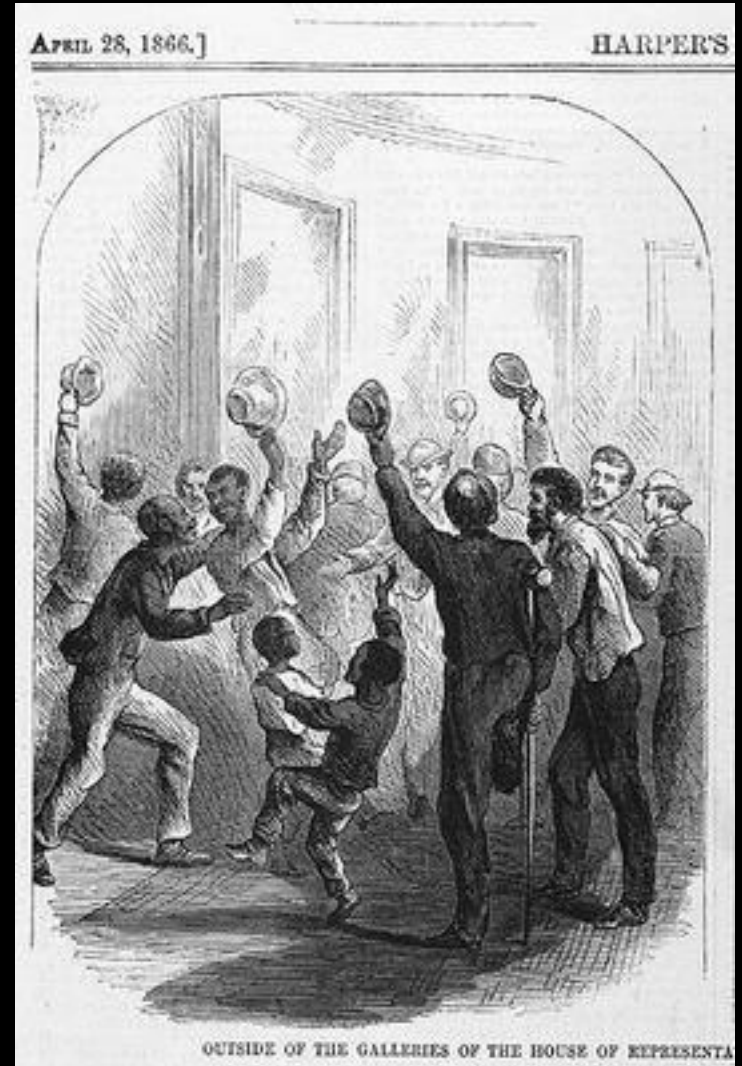
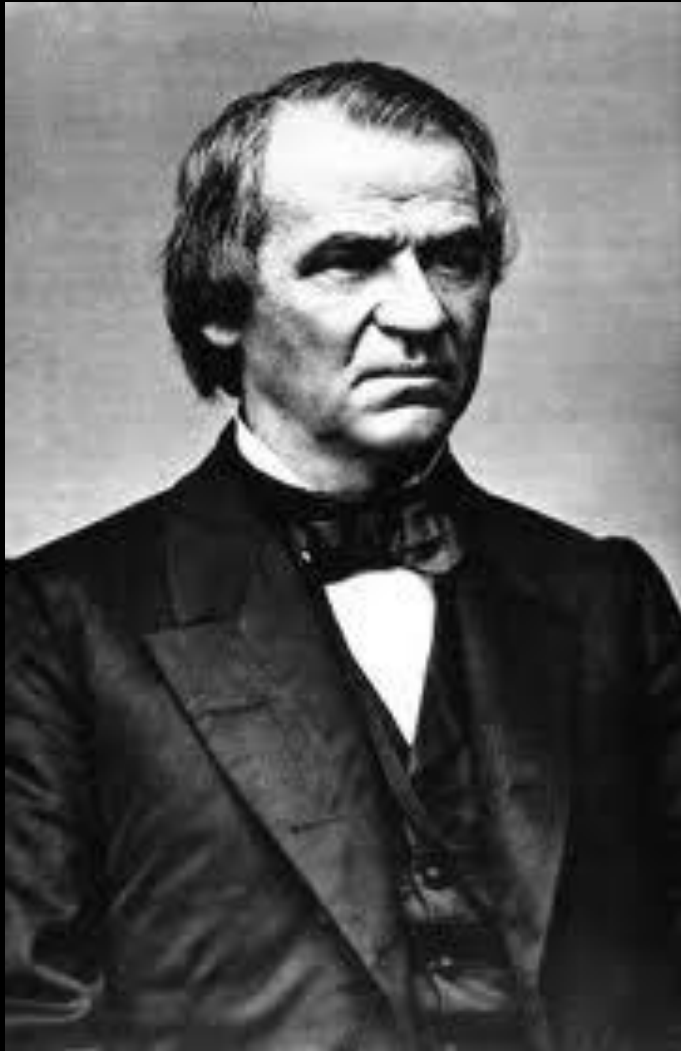
★ AMERICAN DOCUMENTS ★

The Emancipation Proclamation

Marianne McComb



Vetoed by President Andrew Johnson





EQUAL JUSTICE UNDER LAW

A Footnote to History





The dedication of the Memorial. Looking toward the east front



I
AM
A
MAN

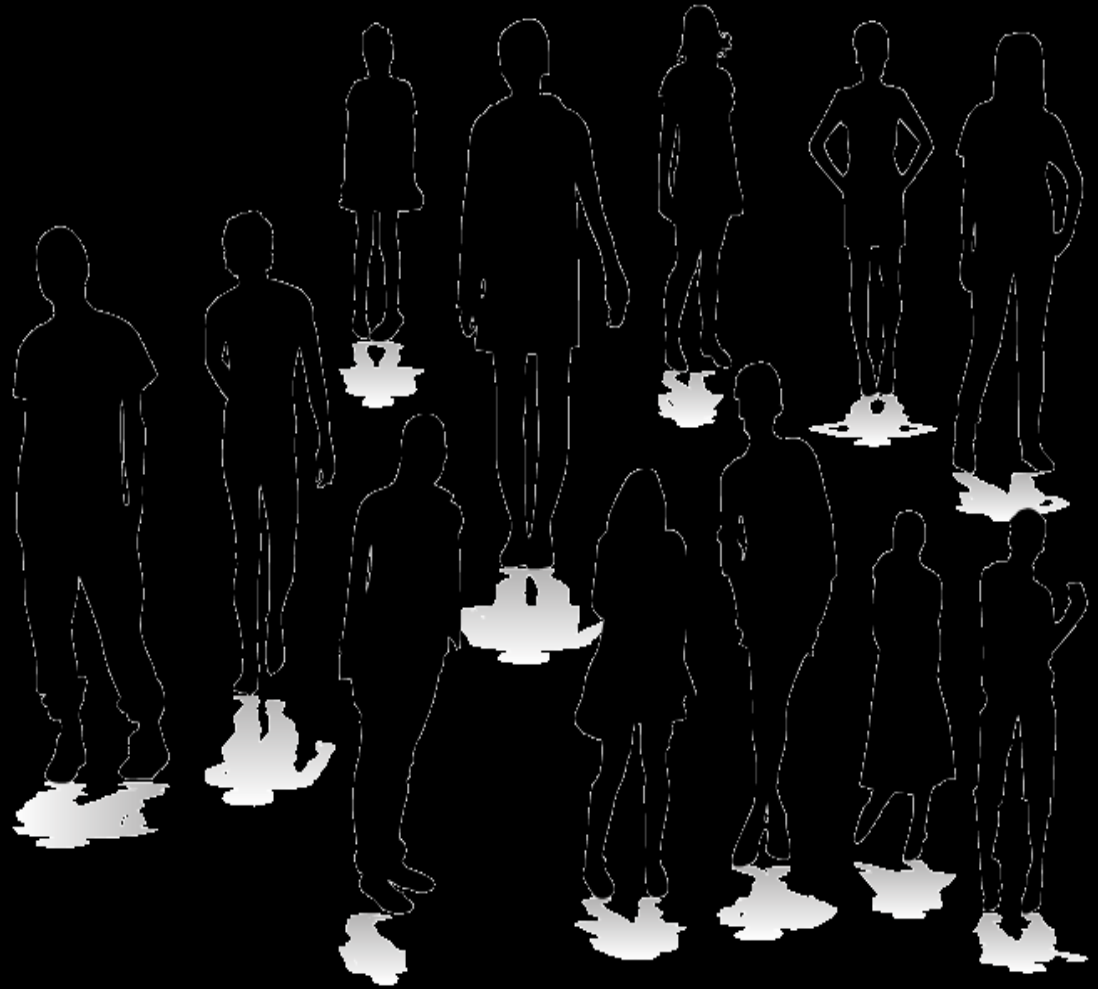
MARTIN LUTHER
KING, JR.
1929 — 1968
AT LAST, FREE AT LAST.
PRAISE GOD ALMIGHTY
FOR MAKING ME FREE AT LAST

01
-
762





**So What
Are You
Really
Willing To
Get
Someone
Home?**





What Are You Really Willing to Do - Slide #46.wmv

Let's Talk

- What is the most outstanding thing you have ever done to get someone home?
- What is the best thing than anyone has ever done for you?
- What have you done that has heart?

An aerial photograph of a city, likely New York City, showing a large body of water (the Hudson River) on the left, a dense urban area in the center, and a skyline of skyscrapers in the background. The text "Where Are We Today?" is overlaid in large white letters.

**Where Are
We Today?**

The 1988 Amendments

When it comes
to housing,



little things
shouldn't make
a difference.

If you have children and a landlord refuses to rent to you, requests a higher security deposit, limits the use of balconies or lawns and only lets you live in certain areas of a housing complex, you could be discriminating. And housing discrimination is against the law.

The Addition of
“Familial Status”

**In 1985 70%
of Single
Mothers
Seeking
Housing Were
Denied On The
Basis That
They Had
Children**



There Are Lots of Things We Take For Granted

3.pleasing to the mind or senses;
agreeable or welcome;

greyt-fuhl

thankful

gratitude

appreciative

pleasing

1.warmly or deeply appreciative of kindness or benefits received

be grateful.

la papillon

2.expressing or actuated by gratitude

So Where Are We Today?



Issues of Pool Safety

Attractive Nuisance or Fair Housing Violation

In the last year, we are getting more calls for leasing and people who want to lease until the market and prices semi-return. I was about to list for lease a very nice home and over the weekend had a call from an agent who had heard about the house. We have it in the MLS for sale so she was able to get in and see it.

Problem is the house has a fairly deep diving pool. The family wants to lease the home and they have 4 kids age 2-12. The seller has no problem with kids but didn't want the liability of having 2 kids under 5 living in his home with very little yard and a deep pool. The yard is fenced and locked but like most pools open to the occupants of the house.

Faced with this he did not list the house to lease. In conversation, several agents said he could legally turn down the family due to the attractive nuisance doctrine but then several said no it's against fair housing law because it's rejecting due to the kids.

Is this a legitimate reason to refuse to lease to a family with small kids or a violation of Familial status ?

Senior Communities Exemption



Senior Community Rules

- **All Residents 62 or Older**
100% of Occupied Households
- **1 Resident 55 and Older**
80% of Occupied Households
- **Must Verify Residents Ages**
- **Must advertise as senior living area**

Where Are We Today?

THURSDAY, JANUARY 15, 2009

➔ Couple's Alleged Occupancy Violation Gives Birth to Familial Status Discrimination Charge

A couple lived at a 16-unit apartment complex in Albuquerque, New Mexico without a problem... until the woman got pregnant.

The tenants rented a one-bedroom apartment under a month-to-month lease, which stated that the occupancy limit is two persons per bedroom. When the landlords learned that one of the tenants became pregnant, he issued a 30-day termination notice, claiming that the couple is in violation of the occupancy limit.

The 1988 Amendments



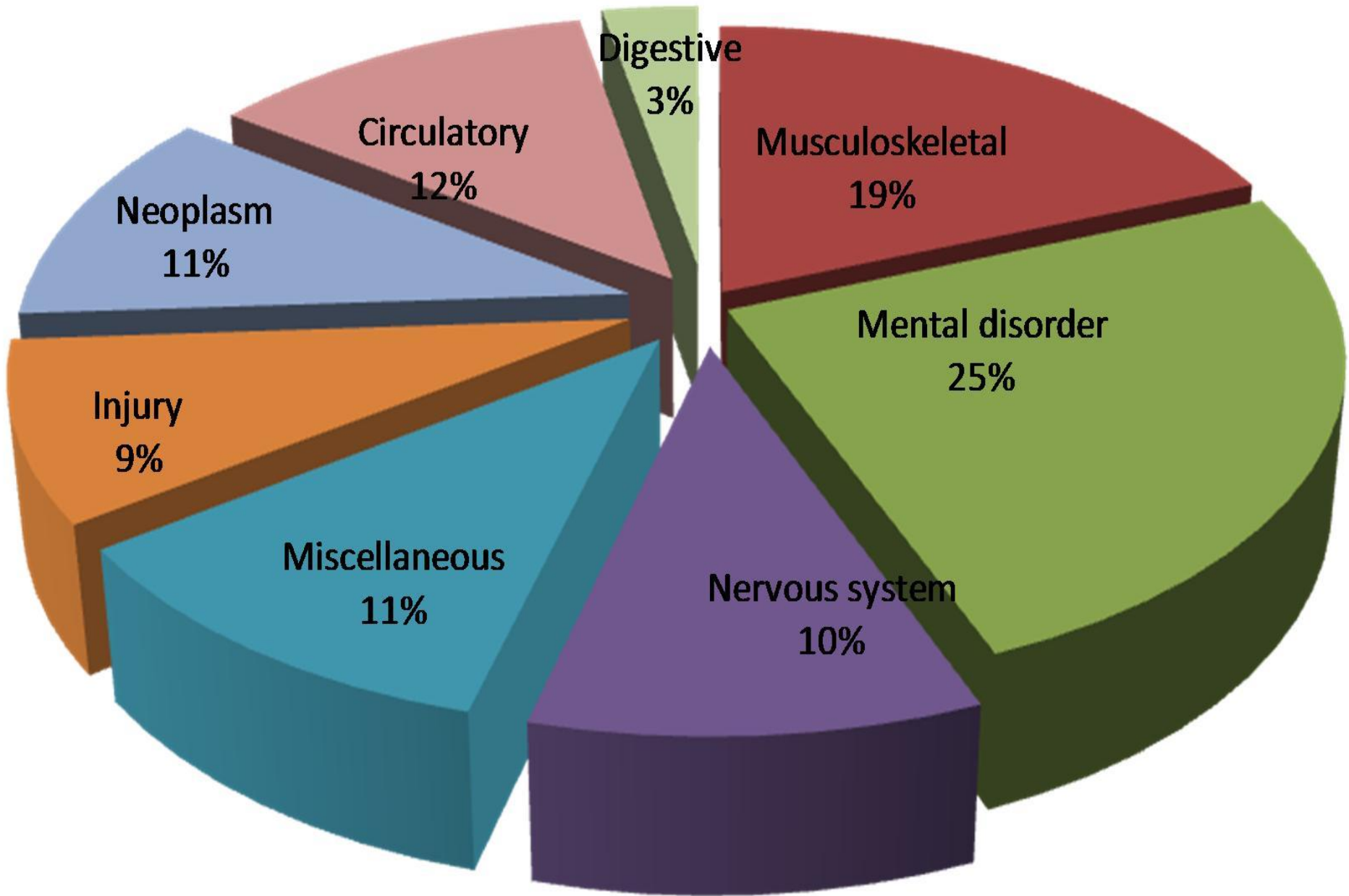
The Addition of
“Disability”

What is a Disability?

“Any physical or mental impairment which substantially limits a person’s abilities”



Group Long Term Disability Insurance Claims



The Right to Have Home Be Anywhere You Want?



Let's Talk

- Can PJ live anywhere that he wants to?
- So what homes get excluded from his search?

Let's Talk

- What can we do to erase the limitations?
- What kind of a house do you think PJ eventually purchased?

Maybe We Are The Ones With The Disability





Maybe We Are The Ones With The Disability - Slide #68.wmv

Amendment to Article 10 of the NAR Code of Ethics

REALTORS® shall not deny equal professional services to any person for reasons of race, color, religion, sex, handicap, familial status, or national origin, or ***sexual orientation***. REALTORS® shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, or sexual orientation. REALTORS®, in their real estate employment practices, shall not discriminate against any person or persons on the basis of race, color, religion, sex, handicap, familial status, national origin, or ***sexual orientation***.

Where Are We Today?

CATO@LIBERTY

Previous: [New Crime Stats Contradict Anti-Immigrant Hype](#)

Next: [Tuesday Links](#)

Agency Will Stop Treating Political Speech as Fair-Housing Violation

Posted by [Walter Olson](#)

The California Department of Fair Employment and Housing has agreed to stop investigating citizens on the theory that their political expression in and of itself constitutes a potential violation of laws against housing discrimination. The [concession](#) came in a settlement with Julie Waltz, whom it had dragged through an investigation for publicly opposing the placement of subsidized group homes in and near her Norco, Calif. residence. A news release from the [Center for Individual Rights](#):

During the year-long investigation, state investigators told Waltz that her speech violated state fair housing laws, requested that she refrain from her speech activities, and threatened her with prosecution. An investigator also told her that the investigation would end if she removed signs from her yard objecting to the next-door group home as well as signs posted by other people in her neighborhood. Waltz declined to remove the signs. ...

Waltz was represented by the Los Angeles, CA firm of Munger, Tolles & Olson LLP, which donated its time pro bono and the Center for Individual Rights.

When it comes to trampling the First Amendment, California fair housing officials are serial offenders: in 2000 and again in 2006, CIR says, the Ninth Circuit handed down rulings restraining them from similar practices.

The Group Home



Maybe It's Not About the Houses



Dignity



Maybe It's Not About the House - Slide #73.wmv

Congratulations Charlie...



*You helped
somebody get home*

Let's Talk

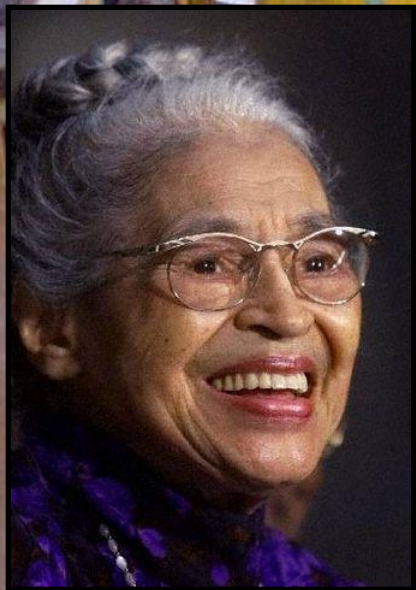
- What's your most memorable moment on this cruise?
- What connections did you make?
- Who did you get to know you didn't know before?

**Fair Housing
Isn't About
Houses &
Laws...It's
Always Been
About the
People**











*We already
told you... she
was just
trying to get
HOME!*

A Final Message From Course Creators



Our Mission

Is to make certain that our clients:



Get it!



Use it!



Become more successful because of it!